

REMARKS

Claims 97-100 have been cancelled without prejudice. Claims 1, 23, 33-36, 85, and 92 have been amended solely for greater clarity. The claim amendments are fully supported by the specification (e.g., page 6, lines 18-24; Table 1 on page 9; Example 1 on pages 17-22; and Figure 5A-5B). No new matter has been introduced and no new issue has been raised. These amendments have been made solely to expedite prosecution of the application. Applicants reserve the right to pursue claims of similar or differing scope in the future.

Applicants note that the previous amendment mailed on March 28, 2007 was not entered. Applicants respectfully request entry of the amendment mailed on March 28, 2007 and the present claim amendment as filed herein.

Claim Rejections under 35 U.S.C. § 112, 2nd Paragraph

Claims 1, 23, 33-36, 85, and 92 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Specifically, in the Advisory Action mailed April 25, 2007, the Examiner asserts that the phrase "anneals specifically" is vague and indefinite. Solely to expedite prosecution of the application, Applicants have amended claims 1, 23, 33-36, 85, and 92 to recite "complementary to" in place of "anneals specifically during a polymerase reaction to," thereby rendering the rejection moot. Support for such recitation can be found, for example at page 6, lines 18-24, of the application. One of skill in the art would understand that the primer or collar sequence in the claims as amended is complementary to the corresponding portion of a target nucleic acid upon annealing. Reconsideration and withdrawal of the rejections are respectfully requested.

Claim Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1-6, 23-24, 26-32, 73-74 and 85-104 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that this is a new matter rejection.

Specifically, the Examiner asserts that the specification as originally filed does not provide support for the invention as now claimed: "a primer sequence of at least 10 nucleotides" or "a collar sequence of at least 10 nucleotides."

Applicants respectfully disagree and reiterate the arguments already made of record. Nonetheless, solely to expedite prosecution of the application, Applicants have amended claims 1, 23, 85, and 92 to recite a primer sequence or a collar sequence "from about 10 nucleotides to about 50 nucleotides or more." Support for such recitation can be found, for example, at page 6, lines 18-24, of the application. Applicants believe the claim amendments obviate the new matter rejection. Reconsideration and withdrawal of the rejections are respectfully requested.

Claim Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1-6, 23-24, 26-37, 73-74 and 85-104 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

In the Advisory Action, the Examiner appears to have broadly interpreted the claims because of the alleged indefinite recitation of "anneals specifically." As described above, Applicants have amended independent claims to recite "complementary to" in place of "anneals specifically during a polymerase reaction to," solely to expedite prosecution. Applicants submit that the claimed subject matter as amended is described sufficiently in the specification to indicate that Applicants were in possession of the invention at the time of filing. For example, the specification provides specific examples of the primer sequence and the collar sequence, such as SEQ ID NOs: 3-4 which anneal to a portion of the kappa light chain and SEQ ID NOs: 7-8 which anneal to a portion of the heavy CH1 constant region (see, e.g., Example 1 on pages 17-19), which are representative species of the

claimed genus. Further, the level of skill and knowledge in the art regarding construction of plasmids directed to a target nucleic acid is very high, and a skilled artisan can readily envision other primer sequences and collar sequences which anneal to desired target nucleic acid sequences. Accordingly, all pending claims satisfy the written description requirement. Reconsideration and withdrawal of the rejections are respectfully requested.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1-6, 23-24, 26-32, 37, 73-74, 97-98 and 101-102 are rejected under 35 U.S.C. § 102(b) as being anticipated by Young et al. (P.N.A.S., 80:1194-1198, 1983; of record).

The Advisory Action appears to indicate that Applicants' Response and Amendment submitted on March 28, 2007 have overcome this rejection. Nonetheless, Applicants reiterate that the plasmid of claim 1 features that the first portion and the second portion of the polypeptide encoding portion of the nucleic acid are separated by at least 20 nucleotides. By contrast, Young et al. fail to teach or suggest this feature - there is simply no gap or separation between the "first portion" and the "second portion" of Young et al. Accordingly, Young et al. fail to anticipate independent claim 1. Further, Young et al. simply do not teach or suggest these claim limitations as recited in claims 23, 85, and 92, i.e., a portion of a nucleic acid encoding an antibody, the framework region associated with an antibody or the constant region associated with an antibody.

Applicants respectfully request clarification that the Examiner has withdrawn this rejection under 35 U.S.C. § 102(b).

Claim Rejections under 35 U.S.C. § 102(b)

Claims 23-24, 26-32, 37, 74, 85-96, 99-100 and 103-104 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kohno et al. (Gene 188: 175-181, 1997; of record).

The Advisory Action appears to indicate that Applicants' Response and Amendment submitted on March 28, 2007 have overcome this rejection. Nonetheless, Applicants reiterate that

Kohno et al. simply do not teach or suggest the coding sequence of the mRNA encoding an antibody, the framework region associated with an antibody or the constant region associated with an antibody as recited in claims 23, 85, and 92. For the same reasons, Applicants submit that all claims depending from claims 23, 85, and 92 are not anticipated by Kohno et al.

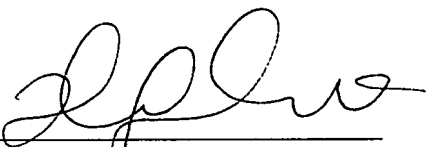
Applicants respectfully request clarification that the Examiner has withdrawn this rejection under 35 U.S.C. § 102(b).

CONCLUSION

Applicants believe that the claims are now in condition for allowance and early notification to this effect is earnestly solicited. Any questions arising from this submission may be directed to the undersigned at (617) 951-7000. If an additional fee is due, please charge our Deposit Account No. 18-1945, under Order No. ALEX-P01-055 from which the undersigned is authorized to draw.

Dated: May 29, 2007

Respectfully submitted,

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